REMARKS

In the Office Action, the Examiner rejected claims 16-42. The Examiner withdrew claims 1-15 from consideration in an earlier communication. By the present Response, Applicants cancel claims 1-15 without prejudice. Upon entry of the amendments, claims 16-42 will remain pending in the present patent application. For the reasons set forth below, Applicants respectfully submit that all of pending claims 16-42 are allowable in their present form. Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks in general, with particular regard to the Response to Examiner's Arguments provided beginning at page 10.

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 16-42 under 35 U.S.C. § 103(a) as unpatentable over Slattery et al. (U.S. Patent No. 6,514,085) in view of Ross et al. (U.S. Patent No. 6,608,628). Applicants respectfully traverse this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the

obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

Claim Features Omitted from Claim 16

Turning now to the instant claims, independent claim 16 recites features that are not present in the Slattery et al. and Ross et al. references. For instance, independent claim 16, as amended, recites "providing a collaborative computing environment ... comprising a first computing system operated by the trainee and a second computing system" and "controlling the first computing system *via the second computing system*" (emphasis added). Because this control feature is not disclosed in the Slattery et al. or Ross et al. references, these cited references cannot render the presently claimed subject matter obvious.

The Slattery et al. reference is generally directed to computer based training. Col. 1, lines 31-34. Notably, the Slattery et al. system includes a pod controller 24 for controlling a pod 26 that comprises one or more devices 40. Col. 3, lines 44-46; *see also* Figs. 1, 2, 3, 9, 10. The pod controller 24 includes a user communications module 304 that allows a user to connect to a device 40 via a user or student computer 28 or 1010, and a mentor communications module 306 that allows a mentor to monitor a student's control of a device 40, as well as independently control the device 40 for the student to monitor, during a learning exercise through equipment 906 or instructor terminal 1012. Col. 4, lines 10-21; *see also* col. 7, line 40 – col. 8, line 32. In other words, the student and mentor can *watch* each other *separately control* the device 40. *See id.* The Slattery et al. reference also discloses software that allows two users to collaborate (i.e., monitor *separate* control) over a network while interacting with a single program. Col. 7, lines 54-60. The pod controller 24 may also include a wiretap 902 allowing a mentor to monitor the instructions the user is sending to a device 40 to ensure that the user is properly controlling the device. Col. 7, lines 40-54. Wiretap 902 permits the mentor to take control of the device 40 and allows the user to watch the instructions the mentor is

sending to the device 40. Col. 7, line 65 – col. 8, line 5. It should again be noted, however, that in the Slattery et al. system, the mentor and the user computers each *separately* control a device 40. The mentor computer *does not* control a device 40 *through the user computer*.

Conversely, independent claim 16 clearly recites that the first computing system operated by the trainee is controlled by a second computing system. While the Slattery et al. reference discloses collaboration between a user and a mentor, and that either the instructor or the user may alternately control a device 40, the cited reference does not teach that the instructor can somehow control the user computer. As the instructor terminal *directly* controls device 40 independent of the student computer, the cited reference cannot be reasonably considered to disclose "controlling the first computing system via the second computing system" as recited in independent claim 16. The Slattery et al. reference, therefore, fails to disclose each and every element recited in independent claim 16. The Ross et al. reference fails to obviate the deficiencies of the Slattery et al. reference. Consequently, these references, whether taken alone or in combination, cannot support a *prima facie* case of obviousness. Accordingly, Applicants respectfully stress that independent claim 16 and its dependent claims are patentable over the Slattery et al. and Ross et al. references.

Claim Features Omitted from Claim 28

Similarly, independent claim 28, as amended, recites first and second remote computing environments and a medical diagnostic imaging system wherein "the second remote computing environment interacts with the medical diagnostic imaging system *via the first remote computing environment*" (emphasis added). As discussed above, the Slattery et al. reference teaches user and mentor computers that each *directly and independently* control a device through pod controller 24. However, as also discussed above, the user and mentor computers do not interact with the device through *each other*. Thus, the Slattery et al. reference does not disclose a second remote computing

environment that interacts with the medical diagnostic imaging system via a first computing environment as recited in the present claim. The Ross et al. reference again fails to obviate the deficiencies of the Slattery et al. reference. Accordingly, Applicants believe independent claim 28, as well as its dependent claims, to be patentable over the cited references.

Claim Features Omitted from Claim 34

Likewise, independent claim 34 recites first and second computing systems and a medical diagnostic imaging system in which "the second computing system interacts with the medical diagnostic imaging system *by controlling the first computing system*" (emphasis added). As discussed above with respect to independent claims 16 and 28, the Slattery et al. reference discloses user and mentor computers that control devices 40 independently of one another. Consequently, Slattery et al. fail to teach a second computing system interacting with a medical diagnostic imaging system by controlling the first computing system. The Ross et al. reference also fails to disclose such control. Therefore, for the same reasons provided above with respect to independent claims 16 and 28, the cited references fail to disclose each element of independent claim 34. Accordingly, Applicants also believe independent claim 34, as well as its dependent claims, to be patentable over the Slattery et al. and Ross et al. references.

Response to Examiner's Arguments

In the Final Office Action, the Examiner maintained the present rejection, noting that the Slattery et al. reference discloses a mentor communications module 306 that "permits a mentor to monitor and participate in controlling the user devices during a learning exercise." Col. 4, lines 17-25; *See also.* Office Action mailed June 1, 2005, pages 6-7. Applicants do not necessarily disagree with this particular assertion. However, this assertion fails to address the noted deficiencies of the cited references. As noted above, the Slattery et al. reference teaches a virtual classroom in which each of a plurality of students 1010 can control user devices 1040. *See* FIG. 10 (illustrating a

network in which the student and instructor terminals have direct access to the user devices independent of one another). As noted by the Examiner, a mentor can also control user devices 1040 via an instructor terminal 1012. Again, Applicants respectfully submit that, unlike the Slattery et al. reference, the present claims generally recite a second computing system that controls a first computing system to interact with a medical diagnostic imaging system.

Even assuming, for the sake of argument, that student terminals 1010 and instructor terminal 1012 can be reasonably equated with the first and second computing systems, respectively, of the present claims, the instructor terminal of the Slattery et al. reference *does not control a student terminal* in order to interact with the user devices. Instead, as illustrated in FIG. 10 and described in the associated text, instructor terminal 1012 is connected to a network such that it can directly interface with devices 1040 and does not need to control the device *through* student terminal 1010. In other words, the student terminals 1010 and instructor terminal 1012 are each configured to *directly* control devices 1040. While students at student terminals 1010 can observe the mentor controlling the user devices via instructor terminal 1012, the instructor terminal 1012 does not rely on control of any one of the student terminals 1010 in order to interact with devices 1040. Indeed, each of the student terminals 1010 could be *completely removed* from the system without affecting control of the user devices 1040 by the instructor terminal 1012.

Consequently, because the instructor the terminal 1012 does not control a student terminal 1010 in order to interact with device 1040, the instructor terminal 1012 cannot be reasonably equated with a second remote computing environment that "interacts with the medical diagnostic imaging system via the first remote computing environment." The Slattery et al. reference thus fails to disclose each and every element of the present claims. Further, the Ross et al. reference fails to obviate this deficiency. As a result, the Slattery et al. and Ross et al. references fail to support a *prima facie* case of obviousness with

respect to claims 16-42. Accordingly, Applicants respectfully request withdrawal of the present rejections and allowance of the pending claims.

For these reasons, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103 and allowance of claims 16-42.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below. Particularly, while Applicants believe the present claims are clearly patentable over the art of record, Applicants kindly invite the Examiner to contact the undersigned to discuss potential amendments that the Examiner believes would further clarify the claimed subject matter.

Respectfully submitted,

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